

REMARKS

Claims 1, 6-10 and 12-14 have been amended. Claims 1-14 are pending in this application.

Claims 12-14 were rejected under 35 U.S.C. § 101 ("Section 101") as being directed to non-statutory subject matter. Claims 12-14 have been amended to claim a program "on a computer readable medium" and including a "method executable in a computer" Accordingly, based on the amendments of claims 12-14, the Section 101 rejections of claims 12-14 have been overcome and should be withdrawn.

Claim 8 has been amended to correct a typographical error and now recites "an image pickup system" Accordingly, the objection to claim 8 has been overcome and should be withdrawn.

Claims 6-8 were rejected under 35 U.S.C. § 112, second paragraph, ("Section 112") for being indefinite. Claim 6, line 6 has been amended to replace "image pickup means" with "--image pickup device--". Referring to claim 8, the image pickup device of the claimed system includes an "image pickup means for picking up the image" (emphasis added, claim 8, lines 4-5), such that an antecedent basis is provided for "the image pickup means" in line 29 of claim 8. Further, it is respectfully submitted that the specification at page 41, lines 15-16, page 64, lines 1-3 and 19-20, page 64, lines 24-page 65, line 1 and FIG. 9, discloses a connection detecting section 501 for a camera 100 (image pickup device) and a cradle 200 (external record device), such that support is provided for the "first connection detection means" of the image pickup device and the "second connection detection means" of the external record device of claim 8. Accordingly, based on the amendment of claim 6, and at least the reasons discussed above with respect to claim 8, it is respectfully submitted that the Section 112

rejections of claims 6-8 have been overcome and should be withdrawn.

The Examiner's statements that independent claim 11 is allowed, and dependent claim 5 would be allowable if rewritten to include the limitations of the claims from which it depends, are acknowledged.

Claims 1, 2, 6 and 8 were rejected under 35 U.S.C. 102(b) as being anticipated by Endo (U.S. Patent Publ. No. 2002/0051639). In addition, claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Endo in view of Fujimoto (Japanese Publication No. 06-022259). Further, claims 3-4, 9-10 and 12-13 were rejected under Endo in view of Terane (U.S. Publication No. 2003/0076440) and Nanba (U.S. Patent No. 6,297,870).

Amended independent claim 1, in relevant part, recites that an image pickup device includes:

connection detecting means for detecting a connection to the external record device through the connection means; and

transfer processing means controlled by the control means for transferring the image data, recorded in the record medium, to the external record device in response to detection by the connection detection means of the connection to the external record device

(emphasis added). Accordingly, in an image pickup device of claim 1, connection of the pickup device to an external record device may be detected at a connection detection means in the image pickup device and, "in response to detection by the connection detection means of the connection to the external record device" (emphasis added), transfer of image data recorded in a record medium of the image pickup device to the external

record device may be controlled. (See specification, for example, at pg. 45, ln. 10-17, and FIGs. 9-10).

In contrast to the Examiner's statements, in Endo a power supply detection circuit 60 (connection detection means) is in a cradle 50 and, thus, not included in a camera (image pickup device). (See paragraph [0064] and FIG. 1). In addition, transfer of data from a flash memory of the camera in Endo to an external HDD 62 (external record device) is based on an operator selection from a displayed menu. (See paragraph [0074]). Nowhere do the applied portions of Endo appear to disclose or suggest transferring image data recorded in a record medium of an image pickup device to an external record device "in response to detection by the connection detection means of [the image pickup device] of the connection to the external record device" (emphasis added), as required by claim 1.

Accordingly, it is respectfully submitted that claim 1 is distinguishable from Endo.

For reasons similar to those previously described with regard to claim 1, it is also respectfully submitted that amended independent claim 8, which include limitations corresponding to those of claim 1 discussed above, is distinguishable from Endo as applied by the Examiner for at least the same reasons as discussed above for claim 1.

Claim 2 depends from independent claim 1. As a result, claim 2 is distinguishable from Endo as applied by the Examiner for at least the reasons previously described above for claim 1, and because of the further restrictions claim 2 requires.

In addition, amended independent claim 6 is directed to an external record device and requires, in relevant part, the following:

readout means for reading out image data, picked up by the image pickup device, through the connection means when the connection detecting means detects that the image pickup device is connected by the connection means and based on a status of an image data recording capability of a recording medium of the image pickup device

(emphasis added). Accordingly, in an external record device of claim 6, image data picked up by an image pickup device may be read out by a readout means of the external record device, when a connection detecting means of the external record device "detects that the image pickup device is connected" to the image pickup device and based on a status of image data recording capability (memory availability) of a recording medium of the image pickup device. (See specification, for example, at page 46, ln. 4-16).

The applied portions of Endo do not appear to disclose or suggest the features of a readout means of an external record device, which reads out image data picked up by an image pickup device, as required by claim 6.

It is, therefore, respectfully submitted that claim 6 is distinguishable from Endo.

Claim 7 depends from independent claim 6. As a result, claim 7 is distinguishable from Endo as applied by the Examiner, for at least the reasons previously described. In addition, the Examiner does not appear to rely on Fujimoto, which appears to describe recording speech data on a hard disk that rotates at a decreased speed relative to the speed of rotation when image data is recorded on the hard disk, to overcome the above-described deficiencies of Endo. Accordingly, it is also respectfully submitted that dependent claim 7 is distinguishable from the combination of Endo and Fujimoto applied by the Examiner for at least the reasons previously described regarding claim 6.

Claims 3-4 depend from independent claim 1. As a result, claim 1 is distinguishable from Endo as applied by the Examiner for at least the reasons previously described. In addition, the Examiner does not appear to rely on Terane and Nanba to overcome the above-described deficiencies of Endo. Accordingly, it is also respectfully submitted that dependent claims 3-4 are distinguishable from the combination of Endo, Terane and Nanba applied by the Examiner for at least the reasons previously described for claim 1, and because of the additional restrictions they include.

Amended independent claims 9 and 12 include limitations corresponding to those of amended claim 1 discussed above. As a result, claims 9 and 12 are distinguishable from Endo as applied by the Examiner for at least the reasons previously described. In addition, the Examiner does not appear to rely on Terane and Nanba to overcome the above-described deficiencies of Endo. Accordingly, it is also respectfully submitted that independent claims 9 and 12 are distinguishable from the combination of Endo, Terane and Naba applied by the Examiner for at least the reasons previously described for claim 1.

Amended independent claims 10 and 13 recite, in relevant part,

step of detecting an overflow in the record medium of the image pickup device after an image is picked up by the image pickup device based on an image pickup command;

step of recording the image data in the external record device if the image pickup device is connected to the external record device and the overflow is detected for the record medium after the image is picked up by the image pickup device based on the image pickup command; and

step of recording the image data in the record medium of the image pickup device if no overflow is detected in the record medium, even with the image pickup device being

connected to the external record device, after the image is picked up by the image pickup device based on the image pickup command

(emphasis added; see specification, for example, at pg. 46, ln. 4-pg. 47, ln. 15; FIG. 10).

The applied portions of Endo, Terane and Nanba (see Nanba Col. 7, ln. 30-62 and FIGs. 6A-6B, which describes that a step S11 of starting photographing is performed after step S3 of determining the capacity of a memory card) do not appear to disclose or suggest detecting an overflow in a record medium of an image pickup device after an image is picked up by the image pickup device, as required by claims 9 and 12. Accordingly, claims 9 and 12 are distinguishable over Endo, Terane and Nanba as applied by the Examiner.

Further, it is respectfully submitted that claim 14, which was only rejected under Section 101, is patentable over any combination of the prior art references cited by the Examiner.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 10/587,117

Docket No.: SONYJP 3.3-519

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 3, 2009

Respectfully submitted,

By 

Davy E. Zeneraich

Registration No.: 37,267

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

LD-447\
1042139_1.DOC